

# STATE OF ALASKA

**FRANK H. MURKOWSKI, GOVERNOR**

**DEPARTMENT OF NATURAL RESOURCES**

**OFFICE OF HABITAT MANAGEMENT  
AND PERMITTING**

1300 COLLEGE ROAD  
FAIRBANKS, ALASKA 99701-1599

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## **FISH HABITAT PERMIT FH03-III-0337**

ISSUED: December 18, 2003  
EXPIRES: Upon Closure and Abandonment  
of the Pogo Project

Mr. Karl Hanneman  
Teck-Pogo Inc.  
3520 International Street  
Fairbanks, Alaska 99701

Dear Mr. Hanneman:

RE: Stream Channel Filling, Pogo Ridge; Section 27, T5S, R14E, FM; Goodpaster River,  
(Stream No. 334-40-11000-2490-3407).

Pursuant to AS 41.14.870(b), the Alaska Department of Natural Resources, Office of Habitat Management and Permitting (OHMP) has reviewed your proposal to fill a slough of the Goodpaster River at the base of Pogo Ridge for the purpose of accessing the Pogo Mine. A description of the project was contained in your US Army Corps of Engineers project public notice dated September 19, 2003.

The Goodpaster River has been specified as being important for the migration, spawning, or rearing of anadromous fishes in accordance with AS 41.14.870(a). Chinook and chum salmon use this portion of the waterbody for spawning and rearing. Your project as proposed may have adverse effects on anadromous fish or their habitat and may obstruct the free passage of fish.

In accordance with AS 41.14.870(d), project approval is hereby given subject to your proposed scope of work and the following stipulations:

- (1) Final design drawings (approved for construction) shall be prepared and submitted to the department for review and approval prior to beginning instream construction activities. Final design drawings shall clearly show the dimensions and profile of the original slough channel, and the proposed dimensions and quantities of fill to be placed within the slough.
- (2) Before conducting any instream maintenance activities following construction, plans describing the instream activities shall be submitted to the OHMP for review and approval. A permit amendment will then be issued authorizing the activities.
- (3) Upon abandonment of the Pogo Project, the fill material shall be removed. A plan for removal shall be prepared and submitted to the OHMP for review and approval.

***“Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans.”***

The permittee is responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved plan. For any activity that significantly deviates from the approved plan, the permittee shall notify the OHMP and obtain written approval in the form of a permit amendment before beginning the activity. Any action taken by the permittee, or an agent of the permittee, that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the OHMP. Therefore, it is recommended that the OHMP be consulted immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 41.14.870. This permit must be retained on site during the permitted activity. Please be advised that this determination applies only to activities regulated by OHMP; other divisions with ADNR also may have jurisdiction under their respective authorities. This determination does not relieve you of the responsibility for securing other permits, state, federal, or local. You are still required to comply with all other applicable laws.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which were a direct result of the failure to comply with this permit or any applicable law.

The recipient of this permit (the permittee) shall indemnify, save harmless, and defend the department, its agents and its employees from any and all claims, actions or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

Sincerely,

Dick LeFebvre, Deputy Commissioner

BY: Robert F. McLean  
Office of Habitat Management and Permitting  
Alaska Department of Natural Resources

ecc: Bob Loeffler, ADNR, Anchorage  
Al Edgren, ADNR, Delta  
Anna Plager, ADNR, Fairbanks  
Rich Harris, ADCED, Fairbanks  
Pete McGee, ADEC, Fairbanks  
Victor Ross, USACE, Anchorage  
Fred Bue, ADF&G, Fairbanks  
Charlie Swanton, ADF&G, Fairbanks

Mike Smith, Terra Nord, Anchorage  
Jim Vohden, ADNR, Fairbanks  
Luke Boles, ADEC, Fairbanks  
Gary Folger, DPS, Fairbanks  
Keith Mueller, USFWS, Fairbanks  
Julie Raymond Yakoubian, ADNR, Anchorage  
David James, ADF&G, Fairbanks  
Fronty Parker, ADF&G, Delta

Mr. Karl Hanneman  
FH03-III-0337, Goodpaster River Fill  
Pogo Ridge

3

December 18, 2003

Steve DuBois, ADF&G, Delta  
Cindi Godsey, EPA, Anchorage  
Kelley Hegerty, Kelley Hegerty & Associates, Fairbanks

Bill Ridder, Delta  
Sonja Ahlberg, NAEC, Fairbanks

cc: Ed Fogels, ADNR, Anchorage  
Ichiro Abe, Sumitomo, Vancouver  
Hahn Gold, EPA, Seattle  
Lisa Jaeger, TCC, Fairbanks  
Robin Moilanen, Friends of the Goodpaster, Fairbanks  
Jim Movius, Goodpaster River Property Holders, Fairbanks

Mike Filion, Teck, Vancouver  
Harry Bader, ADNR, Fairbanks  
Gary Lee, Mendeschaag Corp, Fairbanks

RFM/jfw